

## REMARKS

Claims 22 and 26-41 are currently pending in the present invention. Claims 26-30 and 34 –41 stand allowed and Claims 22 and 31-33 rejected under 35 U.S.C. Section 102(b) and/or 35 U.S.C. Section 103 over U.S. Patent No. 5,591,382 to Nahass *et al.* In addition Claim 33 also stands rejected under 35 U.S.C. Section 112 as being indefinite for failing to clearly point out which claim it is meant to be dependent on.

### Rejection under 35 U.S.C. Section 112.

Although the amendment filed May 12, 2003 did not address the rejection of Claim 33 under 35 U.S.C. Section 112, Claim 33 has been amended herein to clarify its dependency. Since this clarification is a formal matter not relating to the substance of the claims, entry of this amendment is respectfully requested.

### Rejection Under 35 U.S.C. Section 102(b) and/or 35 U.S.C. Section 103

As noted, Claims 22 and 31-33 stand rejected under 35 U.S.C. Section 102(b) and/or 35 U.S.C. Section 103. Based on the foregoing amendments, however, it is believed that these rejections have been traversed and should be withdrawn.

In a telephonic interview between Applicant's representative, Paul Chirgott, and Examiner Boss, it was acknowledged that the amendments to Claim 22 made herein are sufficient to patentably distinguish Claim 22, and Claims 31-33 dependent thereon, from Nahass *et al.* More specifically, the recitation that the carbon body is carbonized (also referred to in the industry as baked) after the carbon fibers are

dispersed therein distinguishes the claims from the cited reference. Support for this added recitation is found throughout the specification of the above-captioned application. See, for example, page 4, lines 19-31.

The term "carbonization" refers to the thermal transformation of an organic body to carbon through the elimination of heteroatoms, and the conversion of the organic precursor into a carbon polymer. This industry accepted process is explained in detail in the *Handbook of Carbon Graphite Diamond and Fullerenes*, pp. 72-73; and in Kirk-Othmer *Encyclopedia of Chemical Technology (4<sup>th</sup> Edition)*, pp. 953-960. Interestingly, Irwin C. Lewis, Ph.D., one of the co-inventors of the above-referenced application, authored this particular Kirk-Othmer section. Copies of these references are included with this response along with form PTO-1449. Accordingly, Claims 22 and 33-31 should also be passed to allowance.



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I hereby certify that this Response to Official Action (Replacement), including Certificate of First Class Mailing, One copy of each listed reference (2 references), Form PTO-1449, and a self addressed return post card are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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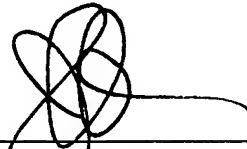
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## CONCLUSION

Based on the foregoing amendments and remarks, it is believed that all claims 22 and 26-41 are now in condition for allowance. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of these claims, the Examiner is requested to call the undersigned, collect, at 615-242-2400 to arrange for an amendment which may expedite prosecution.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 21-0010.

Respectfully submitted,



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